



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

ST

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,384	12/06/2000	Yasuki Motozawa	AB-1085 US	7422

24251 7590 07/08/2002

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE, CA 95110

EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/733,384

Applicant(s)
Motozawa et al

Examiner
Eric Culbreth

Art Unit
3616



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 & 6 6) ☐ Other:

Art Unit: 3616

DETAILED ACTION

Drawings

1. The drawings are objected to because:
 - a. In Figures 1-4 reference numerals 3 and 4 should not be underlined, as underlining connotes that the numeral rests on the part to which it refers;
 - b. Contrary to page 6, line 11, the lead line for reference numeral 11 does not point to a dashboard drawer, but rather to a side sill (it is not clear what a “dashboard drawer” is);
 - c. In Figure 5 “SHEET” should apparently be “SEAT”;
 - d. Also in Figure 5, it is not clear from the disclosure (i.e., page 10, lines 4-5) why deceleration will become negative (i.e., become acceleration) in section b of the curve.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The abstract of the disclosure is objected to because legal phraseology such as “comprises” in line 1 should not be used and because “a” should precede “power” in line 12. Correction is required. See MEP. § 608.01(b).

Art Unit: 3616

3. The disclosure is objected to because of the following informalities:

a. On page 3, line 15 “a” should precede “power” (this was done by informal examiner’s amendment to avoid applicant having to replace an entire paragraph to change one word as required by the new Office rules);

b. Page 4, lines 3-10 are an incomplete sentence;

c. On page 8, line 6 “its” should be “his/her” (this was done by informal examiner’s amendment);

d. Page 9, lines 7-14 are an incomplete sentence;

e. Page 9, line 24 to page 10, line 11 contain an incomplete sentence;

f. Regarding page 11, line 2 the specification should not refer to the specification in describing the invention (at any rate, the specification refers to a “claim” and there is currently more than one claim in the application).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 3616

5. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 11 (numbered line 12), there should not be a space between "and" and the comma.

In claim 1, line 12, "a" should precede "power".

In the next to last line of claim 1, there is no antecedent basis for "said seats" as only a seat was previously recited in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Canadian Patent 636,693.

Canadian '693 discloses a vehicle body including a portion 12, 12 to be deformed at the front of the vehicle (as functionally recited, upon a collision powerful enough to dislodge engine 11 (column 2, lines 55-60) the front supports 12 would be deformed). Engine 11 is a rigid body or

Art Unit: 3616

structure supported on the vehicle body supports 12, 12 so as to move backward against brace 28 upon a sufficient collision. Seat 22 is supported on the vehicle body so as to be longitudinally movable and includes a seat belt 23. Cross brace 28 is a power transmission mechanism transmitting backward movement of engine 11 to the seat.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claim 3 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian '693 in view of Vollmer et al (U.S. Patent 4,795,189).

Art Unit: 3616

Canadian '693 does not teach the power transmission mechanism being a cable. Vollmer et al teaches at column 6, lines 1-5, that cables 15' and 16' may be used to transfer movement of the engine into movement of the seats, in this case tilting them backward. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Canadian '693 to include cables transmitting power from the engine to the seat as taught by Vollmer et al in order to optimize use of forces in an accident (column 2, lines 3-9 of Vollmer et al). In the combination, the cables would be used to move the seats back in keeping with Canadian '693, the primary reference.

10. Claims 4-5 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Canadian '693 in view of German Published Application 1,680,095.

Canadian '693 does not teach a damper stopper specifying the limit of movement of the seat. German '095 discloses a damper stopper comprising shock absorber 7 and the rear support of the absorber for seat 9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Canadian '693 to include a damper stopper limiting seat movement as taught by German '693 in order to reduce shock on the seat occupant.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vollmer (U.S. Patent 5,154,253) shows an energy absorbing stopper 8.

Art Unit: 3616

Kawamura et al (U.S. Patents 6,394,535 B1 and 6,312,038 B1) and Motozawa et al (U.S. Patents 6,193,296 B1 and 6,186,574 B1) are cited to show deforming systems that move seats backward.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is (703) 308-0360.

ec

June 29, 2002



ERIC CULBRETH
PRIMARY EXAMINER

6/29/02